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RemarksIntroduction

By these amendments claims 1 — 6, 10 — 14, and 22 — 36 are pending in the application. Claims 22 — 36 are presented for the first time.

- 5 Applicant hereby requests further examination and reconsideration of the application, in view of the above amendments.

The Specification

- Applicant has amended the specification at page 12, line 25, to
10 indicate that the brackets 130a and 130b comprise the anchor or attachment points that are mounted over two holdown bolts to thereby anchor or otherwise attach the lower end of the shear panel to the foundation of the building. Further, with respect to the use of the term "brace member", Applicant has amended the specification on page 7, line 23, to indicate that
15 the diaphragm member 110 can form a brace member for the apparatus 100. With respect to the use of the word "stud", Applicant submits that antecedent support for the use of this term was provided in the specification on page 12 at line 4.

- Applicant submits that the above-referenced amendments to the
20 specification result in the specification providing antecedent support for the terms used in the claims as filed. Applicant further submits that these amendments to the specification do not comprise the addition of any new matter to the application as antecedent support for the use of these terms was found in the claims as originally filed. Applicant notes that MPEP §
25 608.01(1) indicates that the originally filed claims can comprise a portion of the original disclosure and provide sufficient antecedent support for subsequent amendment to the specification.

- Applicant also seeks to correct a typographical error at page 14, line
33. No new matter is added by this amendment as it is obvious from the
30 specification that Applicant meant to refer to figure 5.

- Most of the remaining amendments correct mistakes made by the Applicant in the drafting of the specification. In the application as originally filed, Applicant had been inconsistent in the numbering of the gussets, the upper plate, and the shear panel. No new matter is added by these
35 amendments.

1 Finally, Applicant has amended the description in the "Preferred
Embodiment Section" relating to Figure 7 which shows the installation of
two shear panels 100a and 100b in a building. This description begins at
page 16, line 20 and ends at page 17, line 20. Applicant has changed the
5 description of the attachment of the upper shear panel 100b via the gusset
to a lower member. The specification, as originally filed, described the shear
panel as being connected to a lower plate 196 by means of the gusset.
However, figure 7, shows the shear panel 100b connected to different lower
member via the gusset, with the lower plate 196 compressed between the
10 shear panel 100b and the other lower member. That lower member was
originally designated "floor space 200". By this amendment, Applicant is
renaming that member "floor space member 200". No new matter is added
by these amendments, as support for this amendment is found in figure 7 as
originally filed.

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Canceled Claims

Claims 7, 8 and 9 has been canceled to reduce the number of claims
present in the application. Applicant feels these claims are unnecessary,
since similar claims remain present in granted US Patent 5,706,626

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Claims 15 — 21 have been canceled to reduce the number of claims
present in the application. Applicant feels these claim are unnecessary, since
similar claims remain present in granted US Patent 5,706,626.

Amendments to the Claims

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With respect to claim 1, applicant has amended claim 1 so that in the
passage describing the "horizontally extending upper member" at lines 12
and 13, it is the horizontally extending upper member that is configured for
connection to an upper portion of said wall.

Also, with respect to claim 1, in the preamble, before the term
30 "foundation", Applicant has deleted "the" and inserted "a" to provide the
proper determiner for the first use of this term.

With respect to claim 4, applicant has changed claim 4 to provide
antecedent basis for the terms "the uplift force " and "said overturn
movement".

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1 Also with respect to claim 4, Applicant has changed the claim to say
that "said apparatus is adapted to reduce the tendency of an upper portion of
said wall to move" to better define the scope of the claim.

With respect to claim 6, applicant has changed claim 6 to provide
5 antecedent basis for "the motion".

Also with respect to claim 6, Applicant has modified the claim so that
it cannot be construed as positively claiming the wall. Thus, the scope of the
claim is readily understood to be limited to the apparatus which is adapted to
reduce the tendency of the wall to move.

10 Applicant has also amended claim 6 to correct other antecedent basis
problems.

Claim 10 has been amended to provide the proper introduction for the
"wall" and the "foundation" in the preamble.

Claim 10 has also been amended to positively claim "the wall" into
15 which "the apparatus" is inserted, and so changes to the claim were
necessary to accord with the additions of these elements. For example, the
apparatus is no longer described as being "configured to allow for
installation" in the wall.

Claim 10 has been amended to positively claim "the wall" into which
20 the apparatus is inserted. This was done so that the relationship of the parts
can be more specifically defined, so that it is readily apparent that the
apparatus is a unit separate from the members of the wall. The wall is now
described as having "an upper plate, a lower plate, and studs connecting said
upper plate to said lower plate" The members of the apparatus are now
25 described as being "separate members from said studs, said upper plate and
said lower plate of said wall." No new matter is added by these
amendments. Support for describing the wall as having an upper plate, a
lower plate and studs, the studs connecting the upper plate to the lower
plate is found in figures 5, 6 and 7. Support for describing the members of
30 the apparatus as being separate members from the members of the wall is
also found in figures 5, 6 and 7.

Claim 10 has also been amended to provide antecedent basis for the
term "building".

In claim 10, in the preamble, at line 15, a typographical error has also
35 been corrected. An "r" has been inserted in "potions" to make the word
"portions".

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1 Also with respect to claim 10, the apparatus is now described as connecting to the "upper portion" of the wall rather than the "upper plate" of the wall. No new matter is added by this change. Antecedent basis for the term "upper portion" is provided in the preamble of claim 10.

5 With respect to claim 11, Applicant has replaced the description of the vertical posts of the apparatus as having "upper portions" with "upper ends". Antecedent basis for a vertical post with an upper end is found in claim 10.

Also with respect to claim 11, Applicant has changed the wording to
10 describe the upper member as being connected to "said upper ends of said vertical posts" in order to make the connection between the upper ends of the vertical posts. Originally, the claims stated that this connection was achieved by "connecting said upper horizontal member to said upper plate". No new matter is added by this amendment. This amendment clarifies the
15 meaning of the claim as originally filed.

Finally, with respect to claim 11, Applicant has added that "said upper horizontal and lower horizontal members are separate members from said upper plate and said lower plate of said wall. Thus, claim 11 accords with the similar amendment to claim 10.

20 With respect to claim 12, Applicant has replaced the descriptor "planar" with "panel" to describe the brace members of the apparatus. Antecedent basis is provided in claim 10 for "panel members."

With respect to claim 13, Applicant has changed the claim to reflect the fact that the wall is now positively claimed in claim 10.

25 With respect to claim 14, it has been amended to reflect the fact that the wall is now positively claimed in claim 10.

Also with respect to claim 14, "shear panel" has been replaced with "apparatus" for which there is antecedent basis.

30 Other Amendments

Claim 10 has been amended by requiring that the apparatus have "two holdown bolts that are anchored in said foundation of said building". Claim 10 has also been amended by more specifically describing the function of the apparatus as transmitting the shear stress from upper
35 portions of the wall through the vertical members and the panel member to the anchor points and the holdown bolts positioned in the foundation. These

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1 amendment were also made in prosecuting US Patent 5,706,626 to avoid
prior art cited by the examiner. No new matter is added by these
amendments. The "two holdown bolts" are described in the specification at
page 12, line 23. The specific function of the apparatus is described in the
5 specification at page 15, line 17.

New Claims

Applicant has also added new claims 22 — 36.

10 New claim 22 depends from claim 10. Claim 10 covers the apparatus
and the wall and the relationship of their parts. New claim 22, further
defines the relationship of the apparatus and the wall, describing the
existence of a gap between the apparatus and the upper plate of the wall.
Support for this claim is found in figures 4b, 5 and 7.

15 New claim 23 depends from claim 10. Claim 10 covers the apparatus
and the wall and the relationship of their parts. New claim 23, further
defines the relationship of the apparatus and the wall. Claim 23 requires that
the panel of the apparatus not be directly connected to the upper plate, the
lower plate or the studs of the wall. Support for this claim is found in figures
4b, 5 and 7.

20 New claim 24 depends from claim 10. Claim 10 covers the apparatus
and the wall and the relationship of their parts. Claim 24 describes the
apparatus as connecting to the upper plate of the wall. Support for this
claim is found in claim 10 as originally filed.

25 New claim 25 depends from claim 11, which depends from claim 10.
Claim 25 describes the panel as not extending beyond the upper horizontal
member. Support for this claim is found in figures 4b, 5 and 7.

30 New claim 26 is an independent claim. It is similar to original claim
15, except that it also describes the shear reduction panel as having upper
and lower horizontal members. Support for this claim is found in
originally-filed claims 15, 16 and 17.

New claim 27 depends from claim 26. It is similar to new claim 25.

New claim 28 depends from claim 26. It is similar to new claim 22.

New claim 29 is an independent method claim. It specifies that the
shear reduction panel is made with upper and lower horizontal members and
35 a panel. Support for this claim is found in figure 2c.

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1 New claim 30 depends from claim 29. Claim 30 describes the panel as being formed with a lips that extend perpendicular to the panel and then parallel to the panel. Support for this claim is found in the specification at page 9, lines 31 — 36, and figure 2c.

5 New claim 31 depends from 30. Claim 31 describes the upper and lower horizontal members as being U-shaped. Support for this claim is found in the specification at page 10, line 7.

New claim 32 depends from claim 31. Claim 32 calls for thick plates to be connected to the shear reduction panel where the shear reduction panel connects to the holdown bolts. Support for this claim in found in figure 4a and in the specification at page 11, line 31.

New claim 33 is an independent apparatus claim. It specifies that the shear reduction panel is made with upper and lower horizontal members and a panel. Support for this claim is found in figure 2c.

15 New claim 34 depends from claim 33. Claim 34 describes the panel as being formed with a lips that extend perpendicular to the panel and then parallel to the panel. Support for this claim is found in the specification at page 9, lines 31 — 36, and figure 2c.

New claim 35 depends from 34. Claim 35 describes the upper and lower horizontal members as being U-shaped. Support for this claim is found in the specification at page 10, line 7.

New claim 36 depends from claim 35. Claim 36 calls for thick plates to be connected to the shear reduction panel where the shear reduction panel connects to the holdown bolts. Support for this claim in found in figure 4a and in the specification at page 11, line 31.

Respectfully submitted,

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